IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

CRP.No. 602 of 2007()

AGAINST THE ORDER DATED 16/03/2007 IN IA. 287 /2003 IN AS.29/2003 of SUB COURT,KOTTARAKKARA

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REVN. PETITIONER: COUNTER PETITIONER IN IA/RESPDT. IN AS/PLNTF.IN OS

DANIEL, S/O. CHACKO,
CHAZHIPURATHU PUTHEN VEEDU, EDAMON MURI,
EDOM VILLAGE, PATHANAPURAM TALUK.

BY ADV. SRI.M.V.THAMBAN

RESPONDENTS: PETITIONERS IN IA/APLNTS.IN AS/DEFNTS. IN OS:

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1. MATHEW, S/O. MATHAI,
KALLASSERIYIL, EDAMONMURI, EDAMON VILLAGE,
PATHANAPURAM TALUK.

2. ALIKUTTY, W/O. MATHEW,
KALLASSERIYIL, EDAMONMURI, EDAMON VILLAGE,
PATHANAPURAM TALUK.

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 09/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J.

C.R.P.No.602 OF 2007 E

Dated this the 9th July, 2007.

O R D E R

This revision petition is filed against the order in I.A.287/03 in A.S.29/03. The appeal was preferred with a petition to condone the delay of 468 days in filing the case. The suit was decreed ex parte on 8.10.2001. The first appellant went abroad on 29.12.1997 and the second appellant in August 1998. His son was entrusted to look after the matter but unfortunately he also went to Karnataka. Therefore, he had filed the application for setting aside the ex parte decree. It is seen that subsequent to the same the matter was not prosecuted before proper forums. The court below did not entertain the petition to set aside the ex parte decree and thereafter an appeal was preferred with a petition to condone the delay of 468 days. In that matter the appellate court found that there exist reasonable grounds for condoning the delay and therefore ordered to condone the delay on payment of cost of Rs.2,000/-. The court had also opined that there has not been willful negligence or laches on the part of the petitioner in not filing the appeal within time. I do not want to interfere with the said finding of fact by the court below but at the same time I am informed that the

suit is of the year 1990 and the matter requires urgent consideration. Though the revision petition is dismissed as no interference is necessary, I direct the appellate court to dispose of A.S.29/03 as expeditiously as possible and not later than three months from today. C.R.P is disposed of accordingly.

M.N.KRISHNAN
Judge

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